


OCT 18 2011

DENNIS P. IAVARONE, CLERK  
US DISTRICT COURT, EDNC  
BY \_\_\_\_\_ DEP CLK

defendant in obtaining any such relief. Additionally, attorneys serving on the Criminal Justice Act panel may be appointed to represent an indigent defendant currently incarcerated in the Federal Bureau of Prisons, who they did not previously represent, when a conflict exists such that the Office of the Federal Public Defender cannot represent that defendant. This appointment is limited to cases affected or potentially affected by United States v. Simmons, \_\_\_ F.3d \_\_\_, No. 08-4475, 2011 WL 3607266 (4th Cir. Aug. 17, 2011) (en banc), and will terminate upon a determination by appointed counsel that the defendant is not eligible for relief or, if eligible for relief, upon exhaustion of the defendant's post-conviction remedies.

The U.S. Probation Office for the Eastern District of North Carolina is authorized to disclose Presentence Investigation Reports and Statements of Reasons to the Federal Public Defender's Office and the Criminal Justice Act panel for the purpose of determining eligibility for relief. Upon request by the Office of the U.S. Attorney for the Eastern District of North Carolina, the U.S. Probation Office also shall provide copies of the Presentence Investigation Reports and Statements of Reasons in these cases to the Office of the U.S. Attorney for the Eastern District of North Carolina. In accordance with Federal Bureau of Prisons policy, no Presentence Investigation Reports will be provided to inmates.

SO ORDERED. This 18 day of October 2011.

  
JAMES C. DEVER III  
Chief United States District Judge